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ACCENTURE c/o
MURABITO, HAO & BARNES, LLP
Two North Market Street
Third Floor
San Jose, CA 95113

MAILED

JUL 08 2011

PCT LEGAL ADMINISTRATION

In re Patent No. 7,536,363 :
Application No.: 09/868,695 :
Int. Filing Date: February 8, 1999 :
Attorney Docket No.: 0522200171 :
For: GOAL BASED SYSTEM, UTILIZING A :
TABLE BASED ARCHITECTURE :

DECISION

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) filed May 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120, and 365(c) for the benefit of the prior-filed application set forth in the concurrently filed Certificate of Correction.

The petition is hereby **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regards to item (1), applicants provided a Certificate of Correction with the subject petition which states that international application PCT/US1999/002737 filed February 8, 1999 is a continuation of U.S. application no. 09/218,945 (now Patent No. 6,542,880) filed on December 22, 1998. This is not sufficient.

35 U.S.C. 120 requires that the application (as opposed to the patent) contain or be amended to contain the necessary reference. Accordingly, applicants must also file an

ADS or an amendment (complying with 37 CFR 1.121) stating the proper relationship of the international application to the prior filed U.S. nonprovisional application (now Patent No. 6,542,880). The Certificate of Correction alone is not sufficient in this regard.

Items (2) and (3) of 37 CFR 1.78 were satisfied in the petition.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration